

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 06-906V

Filed: April 14, 2008

Not for publication

LORA WRIGHT, by her Next Friend, *
LARRY WRIGHT; LARRY and *
JODY WRIGHT, *

Petitioners, *

v. *

SECRETARY OF THE DEPARTMENT *
OF HEALTH AND HUMAN SERVICES, *

Respondent. *

William W. Francis, Jr., Springfield, MO, for petitioners.
Lisa A. Watts, Washington, DC, for respondent.

Damages decision based on stipulation; ADEM and optic neuritis following MMR vaccination, DTaP vaccination, and IPV vaccination; attorney's fees and costs

DECISION¹

I. DAMAGES

On April 9, 2008, the parties filed a stipulation on damages, in which they agreed to settle this case and described the settlement terms. Petitioners allege that Lora Wright suffered from acute disseminated encephalomyelitis (“ADEM”) and optic neuritis allegedly resulting from a measles-mumps-rubella (“MMR”) vaccination, a diphtheria-tetanus-acellular pertussis (“DTaP”) vaccination, and an inactivated polio vaccine (“IPV”). Respondent denies that Ms. Wright’s alleged injury was vaccine-related, and denies that she suffered any disabilities that were sequelae of her alleged injury. Nonetheless, the parties agreed to resolve this matter informally.

¹ The undersigned intends to post this decision on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction “of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). Otherwise, “the entire” decision will be available to the public. Id.

The court hereby adopts the parties' stipulation, and awards compensation in the amount and on the terms set forth therein. Pursuant to the stipulation, the court awards a lump sum of **\$75,000.00** in the form of a check made payable to petitioners as the guardians/conservators of Lora Wright's estate. This amount represents compensation for all elements of compensation under 42 U.S.C. § 300aa-15(a) to which petitioners would be entitled.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.²

II. ATTORNEYS' FEES AND COSTS

In the same stipulation, the parties agree on **\$8,495.41** in attorneys' fees and costs, while stating that petitioners have incurred no personal costs in compliance with General Order #9.

The clerk shall enter judgment for **\$8,495.41** and shall direct that the award be in the form of one check made jointly payable to petitioners and Mr. William W. Francis, Jr., in the amount of **\$8,495.41**.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.

IT IS SO ORDERED.

Dated: _____

Laura D. Millman
Special Master

² Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party's filing a notice renouncing the right to seek review.